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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,669	03/21/2001	Kathryn Ann McDonald	041-514-L	3629

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EXAMINER

SHAAWAT, MUSSA

ART UNIT	PAPER NUMBER
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2128

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/813,669	Applicant(s) MCDONALD ET AL.	
	Examiner Mussa A Shaawat	Art Unit 2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2128

DETAILED ACTION

1. This action is responsive to application number 09/813,669. Claims 1-13 are presented for examination.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: reference number "F5Y" Fig. 1A and reference number "F14 and F16N" in Fig.1B. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2128

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kabekode V. Bhat US patent No. (5,668,995) referred to hereinafter as Bhat.

As to claim 1, Bhat teaches a method for establishing the memory requirements for the Farm configuration, see (Abstract, and col.1 lines 55-67) comprising the steps of: (a) calculating the memory requirements for each User-type utilizing each application available, see (col.3 lines 5-12, et seq. calculates memory requirement for each processor, which can be assigned to the appropriate user); (b) utilizing the number of Servers required for the optimum Server configuration, see (Fig.2A block 46, and col.1 lines 63-64, calculate the memory required for each processor, and the number of processors needed for the system, processor = server); (c) calculating the memory requirements for each Server, see (col.1 lines 64-67, and col3, lines 1-15, et seq. memory calculation for each of processor = server needed for the application).

As to claim 2, Bhat teaches a method of claim 1 which includes the step (d) developing the total memory requirements for the configuration by dividing the total memory requirements by the number of Servers, see (col.3 lines 25-30).

As to claim 3, Bhat teaches a method of Claim 1 wherein step (a) includes steps of: (a1) accessing from a sizing database the memory requirements for each application being utilized, see (col.3 lines 1-5, et seq. the mathematical model accesses the inputs of the user from the database); (a2) incrementing the memory requirements by adding the product of the MAT FUNCTION times the number of Users, where the MAX FUNCTION is the larger number MX of either the MA [amount of memory allocated for each application by the operating system] or MS [the amount of Server memory needed for each operating system to allocate for each User], see (col.3 lines 25-28, calculations done by the mathematical models takes into account user

Art Unit: 2128

inputs such as number of user, amount of disk storage, data size and other characteristics, then calculates the memory requirement and suggests an optimum configuration of a the system for the user); (a3) repeating step (a2) for each operating system involved.

As to claim 4, Bhat teaches a method of claim 3 wherein step (a1) includes the steps of: (ala) determining if the application involved is MS-DOS or 16-bit oriented; (a1b) if (ala) is a YES, then incrementing by 25% the amount of memory allocated for each application by the operating system involved, see (col.3 lines 1-6, and col.3 lines 40-55, et seq. memory requirement is calculated for each processor by using a mathematical models that takes into account all possible workload parameters given by the customer).

As to claim 5, Bhat teaches a method of claim 1 wherein step (c) includes steps of: (c1) calculating the number of Servers needed for an optimal configuration, see (col.3 lines 5-15, et seq.); (c2) determining the type of operating system for each server, see (Fig.2 block 26, col.4 lines 14-30, et seq.); (c3) calculating the required server memory for each server, see (col.3 lines 29-31); (c4) determining that said optimal server configuration involves just one server, see (col.3 lines 29-31); (c5) querying to see if the individual server memory requirement is less than 100 MB; (c6) if step (c5) is YES, then rounding-off the value of server memory to the nearest whole number, see (col.3 lines 39-55).

As to claim 6, Bhat teaches a method of claim 5, which includes the step (c7) accessing Server information from a server Information Database, see (col.5 lines 62-67 et seq. generating a detailed report describing the optimum configuration of the system for the customer by accessing the database).

As to claim 7, Bhat teaches a method of claim 5 wherein step (c3) includes the step of: (c3a) dividing the total server memory required for the optimal configuration by the total number of servers involved, see (col.3 lines 39-50, mathematical model performs memory calculations for each processor = server).

As to claim 8, Bhat teaches a method of claim 5 wherein step (b5) includes the step of: (c4a) determining that said optimal server configuration involves more than one server, see (col.3 lines 29-31); (c4b) if step (c4a) is YES, then incrementing the memory requirement for each server by 64 MB, see (col.3 lines 1-15).

As to claim 9, Bhat teaches a method of claim 5 wherein step (c5) includes the steps of: (c5a) querying to see if the individual server memory requirement is equal to or greater than 1,000 MB, see (col.3 lines 25-30); (c5b) if step (c5a) is YES, then converting each server memory requirement to Gigabytes; (c5c) establishing the total memory requirements TM as the smallest number, Nm, of either Ox (maximum amount of operating system memory) or Oy (maximum server memory required), see (col.3 lines 25-38).

As to claim 10, Bhat teaches a system for aiding a Thin Client Sizing Tool used to configure an optimal one or more Server Farms for a customer profile, by establishing the memory requirements for the Server Farm configuration, see (Abstract, and col.1 lines 55-67, et seq.), said system comprising: (a) server information database means for holding benchmark and information data on selected servers, see (col.5 lines 62-67, col.6 lines 1-10, et seq.); (b) sizing database means for storing the optimal number of servers for a customer profile and the Availability level of each server, see (col.3 lines 15-25, et seq.); (c) configuration database template means for providing a format to collect information from data on window screens input

Art Unit: 2128

as a customer's profile, see (Fig 2 block 26, col.15-30); (d) configuration session database means for holding and supplying data to an Application Delivery Solution Configuration means, see (col.3 lines 35-38, and col.3 lines 45-47, et seq.); (e) said Application Delivery Solution configuration means for executing algorithms to develop an optimized configuration for a Server Farm, see (col.3 lines 25-30); (f) means for developing a customer profile of requirements via inputting data on a series of window screens, see (col.1 lines 44-55, and col.3 lines 1-5, et seq.); (g) means to calculate the memory requirements for each Server with respect to each type of operating system, each type of application involved and each type of User involved, see (col.3 lines 25-37).

As to claims 11-13, they include similar limitations of claims 1-9; therefore they are rejected on the same rational, *supra*.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bixler et al. US Patent No. (6,212,559) Automated configuration of internet-like computer networks.
- Austin et al. US Patent No. (5,500,934) Display and control system for configuring and monitoring a complex system.
- Kennelly et al. US Patent No. (6,754,702) Custom administrator views of management objects.
- Bhat et al. US Patent No. (6,665,714) method and apparatus for determining an identity of a network device.

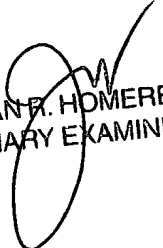
Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mussa A Shaawat whose telephone number is (703) 605-1372. The examiner can normally be reached on Monday-Friday (8:30am to 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean R Homere can be reached on (703) 308-6647. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mussa Shaawat
Patent Examiner
September 15, 2004


JEAN R. HOMERE
PRIMARY EXAMINER